

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

JOHN HANCOCK LIFE INSURANCE)	
COMPANY, JOHN HANCOCK)	
VARIABLE LIFE INSURANCE)	
COMPANY, and MANULIFE)	
INSURANCE COMPANY (f/k/a)	Civil Action No. 05-11150-DPW
INVESTORS PARTNER LIFE)	
INSURANCE COMPANY),)	
)	
)	
<i>Plaintiffs,</i>)	
)	
v.)	
)	
ABBOTT LABORATORIES,)	
)	
<i>Defendant.</i>)	

**ABBOTT LABORATORIES' ASSENTED TO MOTION
FOR IMPOUNDMENT OF CONFIDENTIAL INFORMATION**

Pursuant to Local Rule 7.2, Defendant Abbott Laboratories ("Abbott") respectfully moves this Court for leave to file the following documents under seal until further Order of the Court:

1. Abbott Laboratories' Consolidated Reply Memorandum in Support of Its Motion to Dismiss and Opposition Memorandum of Law to John Hancock's Motion for Partial Summary Judgment ("Consolidated Memorandum");
2. Defendant Abbott Laboratories' Response to John Hancock's Statement of Undisputed Facts Pursuant to Local Rule 56.1 ("Response to Statement of Facts");
3. Defendant Abbott Laboratories' Memorandum in Support of Its Conditional Motion for Continuance of Plaintiffs' Motion for Summary Judgment Pursuant to Rule 56(f) ("56(f) Memorandum");

4. Affidavit of Eric J. Lorenzini and accompanying exhibits (“Lorenzini Affidavit”);

5. Affidavit of Philip M. Deemer and accompanying exhibits (“Deemer Affidavit”).

The grounds for this motion are:

1. This action arises out of a certain Research Funding Agreement (the “Agreement”) dated March 13, 2001 between John Hancock (“John Hancock”) and Abbott. The Agreement contains confidential business information.

2. Abbott’s Consolidated Memorandum, Response to Statement of Facts, 56(f) Memorandum, Lorenzini Affidavit, and Deemer Affidavit rely upon and discuss the confidential terms of the Agreement.

3. The Agreement also forms the basis for John Hancock’s claims in the related action captioned *John Hancock Life Ins. Co., et al. v. Abbott Laboratories*, Civil Action No. 03-12501-DPW (“*Hancock I*”).

4. Under Article 10 of the Agreement, the terms may not be disclosed without the prior consent of the non-disclosing party. Throughout this action as well as *Hancock I*, the Agreement has not been publicly disclosed.

5. In compliance with Local Rule 7.1(A)(2), Abbott counsel has conferred with Hancock counsel and Hancock has stated that they do not oppose this Motion for Impoundment of Confidential Information.

WHEREFORE, Abbott respectfully requests that Abbott’s Consolidated Memorandum, Response to Statement of Facts, 56(f) Memorandum, Lorenzini Affidavit, and Deemer Affidavit be impounded until further Order of the Court. In addition, Abbott respectfully requests that the

Court accept these documents provisionally under Seal pending the Court's ruling on this Motion. Upon termination of the impoundment period, Abbott will retrieve and take custody of the Consolidated Memorandum, Response to Statement of Facts, 56(f) Memorandum, Lorenzini Affidavit, and Deemer Affidavit.

Dated: October 16, 2006

Respectfully submitted,

ABBOTT LABORATORIES

By: /s/ Michael S. D'Orsi
Michael S. D'Orsi

Peter E. Gelhaar (BBO#188310)
Michael S. D'Orsi (BBO #566960)
DONNELLY, CONROY & GELHAAR LLP
1 Beacon St., 33rd Floor
Boston, Massachusetts 02108
(617) 720-2880
peg@dcglaw.com
msd@dcglaw.com

and

Jeffrey I. Weinberger (*pro hac vice*)
Gregory D. Phillips (*pro hac vice*)
Eric J. Lorenzini (*pro hac vice pending*)
Ozge Guzelsu (*pro hac vice pending*)
MUNGER, TOLLES & OLSON LLP
355 South Grand Avenue
Thirty-Fifth Floor
Los Angeles, CA 90071-1560
Tele: (213) 683-9100

Counsel for Abbott Laboratories

CERTIFICATE OF SERVICE

I hereby certify that this document(s) filed through the ECF system will be sent electronically to the registered participants as identified on the Notice of Electronic Filing (NEF) and paper copies will be sent to those indicated as non registered participants on October 16, 2006.

Date: October 16, 2006.

/s/ Michael S. D'Orsi

Michael S. D'Orsi